

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

GERALD ALLEN PERRY, #644896

§

VS.

§

CIVIL ACTION NO. 5:00cv291

D. SANDERS, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Gerald Allen Perry, an inmate previously confined at the Telford Unit of the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the complaint should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. The Defendants are entitled to summary judgment because they have submitted competent summary judgment evidence showing that the Plaintiff did not exhaust his administrative remedies before he filed the lawsuit, because they have shown that he was not harmed, because they have shown that the Plaintiff has not submitted competent summary judgment evidence showing that any of them were involved in the alleged violations of his constitutional rights and because the Plaintiff has not overcome the defense of qualified immunity. It is accordingly

ORDERED that the Defendants' second motion for summary judgment (docket entry #100) is **GRANTED**. It is further

ORDERED that the complaint is **DISMISSED** with prejudice. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 11th day of July, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE